

1 AN ACT concerning civil procedure.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Code of Civil Procedure is amended by
5 changing Sections 2-801, 2-802, and 2-803 and adding Sections
6 2-807, 2-808, and 2-809 as follows:

7 (735 ILCS 5/2-801) (from Ch. 110, par. 2-801)

8 Sec. 2-801. Prerequisites for the maintenance of a class
9 action.

10 (a) An action may be maintained as a class action only
11 in the any court sitting in the county of this State in which
12 (i) the defendant's principal office is located, (ii) the
13 plurality of class members who are Illinois residents reside,
14 or (iii) the cause of action arose for the plurality of class
15 members. and A party may sue or be sued as a representative
16 party of the class only if the court finds:

17 (1) The class is so numerous that joinder of all
18 members is impracticable.

19 (2) There are questions of fact or law common to
20 the class, which common questions predominate over any
21 questions affecting only individual members and a class
22 action is superior to other available methods for the
23 fair and efficient adjudication of the controversy. The
24 matters pertinent to the findings include: (A) the
25 interest of members of the class in individually
26 controlling the prosecution or defense of separate
27 actions; (B) the extent and nature of any litigation
28 concerning the controversy already commenced by or
29 against members of the class; (C) the desirability or
30 undesirability of concentrating the litigation of the
31 claims in the particular forum; (D) the difficulties

1 likely to be encountered in the management of a class
2 action.

3 (3) The representative parties will fairly and
4 adequately protect the interest of the class.

5 (4) The class action is an appropriate method for
6 the fair and efficient adjudication of the controversy.

7 (b) Notwithstanding the provisions of subsection (a), a
8 class action may be certified only if the plurality of the
9 class members are residents of Illinois or if the plurality
10 of the class members were physically in Illinois when the
11 cause of action arose.

12 (Source: P.A. 82-280.)

13 (735 ILCS 5/2-802) (from Ch. 110, par. 2-802)

14 Sec. 2-802. Order and findings relative to the class.

15 (a) Preliminary determinations. Before making any of the
16 determinations set forth in subsections (b) and (c), the
17 court shall determine whether the action which has been
18 brought as a class action has been commenced in the court
19 sitting in the County of this State in which (i) the
20 defendant's principal office is located, (ii) the plurality
21 of class members who are Illinois residents reside, or (iii)
22 the cause of action arose for the plurality of class members,
23 and, if the court determines that it has not been commenced
24 in such county, the court may not permit the action to be
25 maintained as a class action pursuant to subsections (b) and
26 (c).

27 (b) Determination of Class. As soon as practicable
28 after the commencement of an action brought as a class
29 action, the court shall determine by order whether it may be
30 so maintained and describe those whom the court finds to be
31 members of the class. This order may be conditional and may
32 be amended before a decision on the merits.

33 (c) ~~(b)~~ Class Action on Limited Issues and Sub-classes.

1 When appropriate, an action may be brought or maintained as a
2 class action with respect to particular issues, or divided
3 into sub-classes and each sub-class treated as a class. The
4 provisions of this rule shall then be construed and applied
5 accordingly.

6 (Source: P.A. 82-280.)

7 (735 ILCS 5/2-803) (from Ch. 110, par. 2-803)

8 Sec. 2-803. Notice to Class Members.

9 (a) For any class certified under this Part 8, the court
10 may direct appropriate notice to the class.

11 (b) For any class certified under this Part 8, the court
12 must direct to class members the best notice practicable
13 under the circumstances, including individual notice to all
14 members who can be identified through reasonable effort. The
15 notice must concisely and clearly state in plain, easily
16 understood language:

17 (1) the nature of the action;

18 (2) the definition of the class certified;

19 (3) the class claims, issues, or defenses;

20 (4) that a class member may enter an appearance
21 through counsel if the member so desires;

22 (5) that the court will exclude from the class any
23 member who requests exclusion, stating when and how
24 members may elect to be excluded; and

25 (6) the binding effect of a class judgment on class
26 members under this Part 8. in--class--cases.--Upon-a
27 determination-that-an-action-may-be-maintained-as-a-class
28 action,-or-at-any-time-during-the-conduct-of-the--action,
29 the-court-in-its-discretion-may-order-such-notice-that-it
30 deems-necessary-to-protect-the-interests-of-the-class-and
31 the-parties.

32 An-order-entered-under-subsection-(a)-of-Section-2-802-of
33 this--Act,-determining-that-an-action-may-be-maintained-as-a

1 class-action, may be conditioned upon the giving of such
2 notice as the court deems appropriate.

3 (Source: P.A. 83-707.)

4 (735 ILCS 5/2-807 new)

5 Sec. 2-807. Judicial scrutiny of coupon and other
6 noncash settlements. The court may approve a proposed
7 settlement under which the class members would receive
8 coupons or other similar noncash benefits or would otherwise
9 be required to expend funds to obtain part or all of the
10 proposed benefits only after a hearing to determine whether,
11 and making a written finding that, the settlement is fair,
12 reasonable, and adequate for class members.

13 (735 ILCS 5/2-808 new)

14 Sec. 2-808. Protection against loss by class members.
15 The court may approve a proposed settlement under which any
16 class member is obligated to pay sums to class counsel that
17 would result in a net loss to the class member only if the
18 court makes a written finding that nonmonetary benefits to
19 the class member outweigh the monetary loss.

20 (735 ILCS 5/2-809 new)

21 Sec. 2-809. Attorney's fees. Any attorney representing
22 any member or members of the plaintiff class in a class
23 action may seek payment of attorney's fees and costs pursuant
24 to a petition filed with the court of jurisdiction. The court
25 shall make a determination based on findings of fact that the
26 amount awarded for attorney's fees and costs is reasonable
27 and commensurate with the benefits conferred upon the members
28 of the class represented by the attorney or attorneys who are
29 the petitioners for fees and costs.